



CITY OF HAYWARD

AGENDA REPORT

AGENDA DATE 05/04/04

AGENDA ITEM 7

WORK SESSION ITEM

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: Hearing on Report and Assessment for Weed Abatement Fees Past Due

RECOMMENDATION:

It is recommended that the City Council adopt the attached resolution confirming the report and assessment for overdue weed abatement fees for the 2003 calendar year, and authorizing the assessments to become a lien against the properties if not paid on or before July 19, 2004.

BACKGROUND:

Weed, rubbish and litter is carried out for both aesthetic and fire prevention purposes. Work consists of removal of weeds, rubbish, debris, and litter from both privately-owned and City-owned properties.

For a first-time violation, there is no charge for the compliance inspection process if corrections have been satisfactorily completed by the indicated reinspection date. However, if the violation is not corrected, then a \$200 fee is assessed based on the standard cost for staff time and materials to process a typical violation. This includes the cost of both the initial inspection and the compliance inspection, site photographs, researching property ownership records, sending abatement notices, preparing and maintaining the case file, internal vehicle charges, et cetera. For a repeated violation of the same ordinance within 12 months by the same property owner, an inspection fee of \$325 (\$200 plus a \$125 penalty fee) is charged. For those properties that are abated by the City's contractor, a City fee of \$100 is imposed in addition to the contractor charges, to cover the City's costs of verifying the adequacy of the contractor's work and processing the invoice. If it is necessary to place a lien on a property to recover unpaid inspection or contractor fees, an additional \$100 fee is levied to cover City costs.

As in past years, in conjunction with the annual City-wide weed survey done in May, a reminder notice was mailed to those property owners who had received a Notice to Abate the previous year, whether the owner corrected the violation or the City's contractor was required to do so. Notices were also sent throughout the year to owners of property found to be in violation that had not previously received a notice in conjunction with the annual survey.

As of the date of this writing, overdue bills affecting 8 properties (including contractor costs) amount to approximately \$4,946. Amounts currently due include a \$5 per month late charge and 1 % interest per month on charges more than thirty days past due.


The purpose of tonight's hearing is to consider the proposed report and assessment list, as well as any objections from property owners. After concluding the hearing, Council may choose to modify the proposed charges and assessment list as appropriate, after which the list will be officially confirmed by resolution.

The unpaid charges, plus any administrative costs of the City and County, will then become a lien on the property and will appear on the November tax bill. When the property taxes are paid, or when the property is sold or refinanced, the County remits the funds to the City. Abatement charges constitute a special assessment against the property. However, sometimes it is not possible to establish a lien to collect an overdue bill because the current owner was not the party responsible for the debt. In these instances, the Finance Director pursues collection of the debt from the responsible individual through the City Collection Officer, collection agency, or litigation as appropriate.

Public Notice

Notice of this hearing was published in the Daily Review on April 19 and April 24, 2004. A notice of this hearing was also sent by certified mail to each property owner, mortgagee or beneficiary indicated on the current assessor's roll. In addition, staff sent a courtesy letter to all those affected in April, informing them of the impending proceedings and encouraging them to pay their bills to minimize fees and be removed from the proposed assessment list.

Prepared by:



William Mork, Senior Community
Preservation Inspector

Recommended by:



Sylvia Ehrental, Director of Community
and Economic Development

Approved by:



Jesús Armas, City Manager

Exhibits: A – 2003 Proposed Weed Abatement Assessment List
Resolution

REPORT ID: FMIS-AR851

CITY OF HAYWARD
ACCOUNTS RECEIVABLE SYSTEM
INVOICE PARCEL INFORMATIONREPORT PRINT DATE: 04/29/2004
PAGE NO. 1 TIME: 09:42DEPARTMENT: WEED ABATEMENT
INVOICES OVER 30 DAYS PAST DUE

INV #	DATE	PARCEL NUMBER	OWNER NAME/ADDRESS	PARCEL LOCATION	BALANCE DUE	DEPT
BILLED TO	MAP BLOCK	PARCEL	INVOICE DESCRIPTION			STAT
131302	09/05/2003	078C 0440 005 02	AKRAM NAEEM 1011 FOLSOM AV HAYWARD CA WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE WA03-0439; CONTRACTOR'S CHARGES: ON 07/16/03 AT \$315.00 AND 07/28/03 AT \$225.00; FOR 308 VALLE VISTA AV; APN 078C-0440-005-02. QUESTIONS CALL 510 /583-4171 FOR ROBBIE.	308 VALLE VISTA AV 94544	555.45	4630 001 46
17229 AKRAM, NAEEM					TOTAL	555.45
130357	07/25/2003	456 0023 160 00	AZZOLINO JOSEPH F & RITA 178 LISBON ST SAN FRANCISCO CA WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE WA03-0863; FAILED WEED INSPECTION ON 07/12/03 AT PORTSMOUTH AV; APN 456-0023-160-00. QUESTIONS CALL MARY AT 510/583-4173.	PORTSMOUTH AV 94112	238.31	4630 001 46
15668 AZZOLINO, JOSEPH F & RITA					TOTAL	238.31
132916	12/04/2003	445 0220 095 00	DEVILLA RICHMOND 1061 CENTRAL BL HAYWARD CA WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE WA03-0872; FAILED WEED INSPECTION ON 07/09/03 @ 1061 CENTRAL BL; APN 445-0220-095-00. QUESTIONS CALL MAGGIE 510/583-4158.	1061 CENTRAL BL 94542	231.00	4630 001 46
23504 DE VILLA, RICHMOND					TOTAL	231.00
121528	01/27/2003	455 0020 059 00	LACK ANDREW F 2001 CHIPLAY CT HAYWARD CA WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE WA02-1527; FAILED REINSPECTION (SUBSEQUENT) ON 01/22/03 @ 2001 CHIPLAY CT, APN 455-0020-059-00. QUESTIONS CALL MARY 510/583-4173.	2001 CHIPLAY CT 94545	338.30	4630 001 46
122422					TOTAL	598.38
122422	03/20/2003	455 0020 059 00	LACK ANDREW F 2001 CHIPLAY CT HAYWARD CA WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE WA02-1527; FAILED WEED INSPECTION; SUBSEQUENT INSPECTION \$325; ORDER CONTRACTOR \$100; CONTRACTOR ABATEMENT CHARGES \$157.50 FOR 2001 CHIPLAY COURT;	2001 CHIPLAY CT 94545	598.38	4630 001 46

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BILLED TO	MAP BLOCK	PARCEL	INVOICE DESCRIPTION			STAT

APN 455-0020-059. QUESTIONS CALL MARY 510/583-4173						

124781	06/20/2003	455 0020 059 00	LACK ANDREW F 2001 CHIPLAY CT HAYWARD CA WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE WA03-0659; FAILED WEED INSPECTION ON 05/31/03 AT 2001 CHIPLAY CT; APN 455-0020-059-00. CALL MARY IF QUESTIONS: 510/583-4173.	2001 CHIPLAY CT 94545	364.56	4630 001 46

130083	07/09/2003	455 0020 059 00	LACK ANDREW F 2001 CHIPLAY CT HAYWARD CA WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE WA03-0659; FAILED SUBSEQUENT WEED INSPECTION 2001 CHIPLAY ON 6/19/03 \$135.00; ABATEMENT FEE PER PARCEL \$100; CONTRACTOR'S FEES \$180.00. CALL MARY (510) 583-4173. APN 455-0020-059-00 WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE WA03-0659; FAILED SUBSEQUENT WEED INSPECTION 2001 CHIPLAY ON 6/19/03 \$135.00; ABATEMENT FEE PER PARCEL \$100; CONTRACTOR'S FEES \$180.00. CALL MARY (510) 583-4173. APN 455-0020-059-00	2001 CHIPLAY CT 94545	429.20	4630 001 46

132436	10/30/2003	455 0020 059 00	LACK ANDREW F 2001 CHIPLAY CT HAYWARD CA WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE WA03-1537; FAILED COMMUNITY PRES REINSPECTION ON 10/14/03 AT 2001 CHIPLAY CT. APN 455-0020-059. QUESTIONS CALL MARY AT 510/583-4173. THE FEE FOR A SUBSEQUENT VIOLATION WITHIN 12 MONTHS PERIOD IS \$351.00	2001 CHIPLAY CT 94545	364.56	4630 001 46

133213	12/19/2003	455 0020 059 00	LACK ANDREW F 2001 CHIPLAY CT HAYWARD CA VEHICLE ABATEMENT CASE WA03-1537; FAILED COMMUNITY PRES REINSPECTION ON 11/03/03 @ \$135.00; CONTRACTOR ABATEMENT FEES ON 11/04/03 @ \$90.00 FOR 2001 CHIPLAY CT; APN 455- 0020-059-00. QUESTIONS; CALL MARY AT 510/583-4173.	2001 CHIPLAY CT 94545	230.00	4630 001 46

11262			LACK, ANDREW F	TOTAL	2,325.00	

131933	10/02/2003	444 0033 020 00	SILVA ANTHONY J & ELIZABETH A TRS ETA 390 DISCOVERY BAY BL DISCOVERY BAY CA WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE WA03-1345; FAILED WEED INSPECTION ON 09/19/03	24331 MISSION BL 94514	238.31	4630 001 46

DEPARTMENT: WEED ABATEMENT
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@ 24331 MISSION BL; APN 444-0033-020-00. CALL 510						
-583-4173 FOR MARY IF QUESTIONS.						

132759	11/13/2003	444 0033 020 00	SILVA ANTHONY J & ELIZABETH A TRS ETA 390 DISCOVERY BAY BL DISCOVERY BAY CA WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE WA03-1345; FAILED WEED REINSPECTION ON 11/06/ 03 AT 24331 MISSION BLVD; APN 444-0033-020-00. IF QUESTIONS CALL MARY 510/583-4173.	24331 MISSION BL 94514	91.86	4630 001 46

132841	11/20/2003	444 0033 020 00	SILVA ANTHONY J & ELIZABETH A TRS ETA 390 DISCOVERY BAY BL DISCOVERY BAY CA WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE WA03-1345; FAILED WEED INSPECTION 11/14/03 AT 24331 MISSION BL; APN 444-0033-020-00. QUESTIONS CALL MARY AT 510/583-4173.	24331 MISSION BL 94514	86.00	4630 001 46

133304	12/26/2003	444 0033 020 00	SILVA ANTHONY J & ELIZABETH A TRS ETA 390 DISCOVERY BAY BL DISCOVERY BAY CA WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE WA03-1345; FAILED WEED INSPECTION ON 12/15/03 @ 24331 MISSION BL; APN 444-0033-020-00. CALL 510 -583-4173 FOR MARY IF QUESTIONS.	24331 MISSION BL 94514	81.00	4630 001 46

23368						
					TOTAL	497.17

132242	10/22/2003	431 0040 017 00	SOUTH MARGARET K TR 2885 BALLOW LN COSTA MESA CA WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE WA03-1406; FAILED WEED INSPECTION ON 10/09/03 AT 507 "C" STREET; APN 431-0040-017-00. CALL 510 -583-4170 FOR JILL IF QUESTIONS. MISCELLANEOUS	507 C ST 92626	263.31	4630 001 46

132652	11/06/2003	431 0040 017 00	SOUTH MARGARET K TR 2885 BALLOW LN COSTA MESA CA WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE WA03-1406; FAILED WEED INSPECTION ON 11/10/03 AT 507 "C" STREET; APN 431-0040-017-00. QUESTIONS CALL JILL AT 510/583-4170. MISCELLANEOUS	507 C ST 92626	116.86	4630 001 46

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REPORT ID: FMIS-AR851

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132845	11/20/2003	431 0040 017 00	SOUTH MARGARET K TR 2885 BALLOW LN WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION WA03-1406; FAILED WEED INSPECTION ON 10/30/03 AT 507 "C" STREET; APN 431-0040-017-00. IF QUESTIONS CALL JILL 510/583-4170.	507 C ST 92626 COSTA MESA CA	86.00	4630 001 46

23440
MOOTZ, JAMES

TOTAL 466.17

131371	09/05/2003	083 0220 103 00	SINGH MALKIT 20212 NORTHCove SQ WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE WA03-0831; FAILED WEED INSPECTION ON 07/10/03 AT 30082 MISSION BL \$226.00; CONTRACTOR'S CHARGES \$202.50. APN 083-0220-103-00. QUESTIONS CALL ROBBIE 510/583-4171.	MISSION BL 95014 CUPERTINO CA	428.50	4630 001 46
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23278
SINGH, MALKIT

TOTAL 428.50

133285	12/19/2003	439 0101 022 00	VICKERS MANAGEMENT LTD 404 E MONTAGUE EXP WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE WN02-0684; FAILED WEED INSPECTION ON 07/12/02 AT 23751 BERNHARDT ST; APN 439-0101-022. CALL 510 /583-4138 FOR RAMONA IF QUESTIONS. FAILED 2002 W WEED INSPECTION.	23751 BERNHARDT ST 95035 MILPITAS CA	205.00	4630 001 46
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10825
VICKERS MANAGEMENT LTD

TOTAL 205.00

TOTAL 4,946.60

***** END OF REPORT *****

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. 04-

Introduced by Council Member _____

RESOLUTION CONFIRMING THE REPORT OF THE ENFORCEMENT OFFICER FOR WEED, RUBBISH, AND LITTER ABATEMENT FROM CERTAIN PROPERTIES IN THE CITY OF HAYWARD IN CONNECTION WITH THE WEED ABATEMENT PROGRAM FOR 2003

WHEREAS, in connection with the 2003 Weed Abatement Program, the Enforcement Officer has rendered an itemized report in writing to this Council showing the cost of removing weeds, rubbish, refuse, and litter from certain properties in the City of Hayward described in the report, all as required by section 4-1.62 of the Municipal Code of the City of Hayward; and

WHEREAS, the hour of 8 p.m. on Tuesday, May 4, 2004, in the Council Chambers, City Hall, 777 B Street, Hayward, California, was fixed as the time and place for this Council to receive and consider the report, and a copy of the report has been posted and published in the manner required by section 4-1.63 of the Municipal Code; and

WHEREAS, the hearing was held at the time and place fixed, and the City Council has considered the report and all comments with respect thereto; and

WHEREAS, at the time and place of the hearing, evidence of the violations was presented and an opportunity to dispute such evidence provided.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that except as amended by council, report of the Enforcement Officer of the City of Hayward Weed Abatement Program on the cost of removing weeds, rubbish, refuse, and litter from the properties therein described, a copy of which is attached hereto, is hereby confirmed.

BE IT FURTHER RESOLVED that payments of assessments confirmed hereby may be received by the City of Hayward Finance Director up to the hour of 5 p.m. on July 19, 2004, and thereafter such official shall transmit the unpaid assessments to the County Auditor for collection on the property tax roll.

IN COUNCIL, HAYWARD, CALIFORNIA May 4, 2004

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward